

## CONGRESSIONAL RECORD SUMMARY

Wednesday, June 26, 2002

### PART II

#### SENATE

##### Measures Introduced:

**S. 2686.** A bill *to strengthen national security by providing whistleblower protections to certain employees at airports*, and for other purposes; to the Committee on Commerce, Science, and Transportation.

---

Grassley

Page S 6127, S 6130

**S.J. Res. 39.** A joint resolution *proposing an amendment to the Constitution of the United States relative to the reference to God in the Pledge of Allegiance and on United States currency; to the Committee on the Judiciary.*

---

Landrieu

Page S 6127

**S. Con. Res. 124.** A concurrent resolution *condemning the use of torture and other forms of cruel, inhumane, or degrading treatment or punishment in the United States and other countries, and expressing support for victims of those practices; to the Committee on the Judiciary.*

---

Campbell

Page S 6127, S 6132-33

##### Measures Passed:

**S. Res. 292 - Expressing Support for Pledge of Allegiance:** *By a unanimous vote of 99 yeas (Vote No. 163), Senate agreed to S. Res. 292, expressing support for the Pledge of Allegiance.*

Page D 661, S 6100-12, S 6131-32

*"...This decision is nuts. This decision is just nuts. We ought to recognize that there are those who differ with the overwhelming sentiment expressed by Americans of all stripes, of all regions of the country, young and old. [ ] The resolution we are propounding this afternoon really will state two things: First, our strong disagreement with the decision; and, second, it will authorize the legal counsel of the Senate to intervene on behalf of the Senate in the Supreme Court when the case comes before the Court. This is not unprecedented; we have done it before." (Daschle, page 6102)*

##### S. 1754 and H.R. 2047 - Patent and Trademark Office Authorization:

*Committee on the Judiciary was discharged from further consideration of H.R. 2047*, to authorize appropriations for the United States Patent and Trademark Office for fiscal year 2003 through 2008, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Pages S 6174-75, D 681

*Reid (for Leahy/Hatch) Amendment No. 4113*, in the nature of a substitute.

Pages S 6174-75, D 681

*Reid (for Leahy) Amendment No. 4115*, to amend the title.

Pages S 6175, D 681

Senate passed S. 1754, *to authorize appropriations for the United States Patent and Trademark Office for fiscal years 2003 through 2008, after agreeing to a committee amendment in the nature of a substitute.*

Pages S 6175-76, D 681-82

**S. 2514 - National Defense Authorization Act:**

*Senate continued consideration of S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, taking action on the following amendments proposed thereto:*

*Pages S 6057-89, S 6097-S 6100, S 6112-21, D 682*

*Allard (for Lott) Amendment No. 4111, to add restrictions on the proposed authority for reducing the minimum period of service in grades above O-4 for eligibility to be retired in highest grade held.*

*Pages S 6088-89, D 683*

Subsequently, the amendment was modified.

*Page S 6112-13, D 683*

*Reid (for Levin) Amendment No. 4139, to authorize the Secretary of Defense to pay monetary rewards for assistance in combating terrorism.*

*Page S 6115, D 684*

*Reid (for Bingaman) Amendment No. 4153, to require a plan for a five- year program to enhance the measurement and signatures intelligence capabilities of the Federal Government.*

*Pages S 6118, D 685*

**A unanimous-consent agreement was reached** providing for further consideration of the bill at 10:30 a.m., on Thursday, June 27, 2002, with a vote on the motion to close further debate on the bill to occur thereon. Further, that Senators have until 10 a.m. to file second degree amendments to the bill.

*Page S 6091, D 685*

**S. 2673 - Accounting Reform Act:**

*A unanimous-consent agreement was reached providing for consideration of S. 2673, to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company Accounting Oversight Board, to enhance the standard setting process for accounting practices, to strengthen the independence of firms that audit public companies, to increase corporate responsibility and the usefulness of corporate financial disclosure, to protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight, on Monday, July 8, 2002, at 2 p.m.*

*Page S 6173, D 685*

**Nominations Received:**

**Senate received the following nominations:**

*Richard A. Griffin, of Michigan, to be United States Circuit Judge for the Sixth Circuit, vice Damon J. Keith, retired. .*

*Daniel L. Hovland, of North Dakota, to be United States District Judge for the District of North Dakota, vice Patrick A. Conmy, retired.*

*Thomas W. Phillips, of Tennessee, to be United States District Judge for the Eastern District of Tennessee, vice James H. Jarvis II, retired.*

*Linda R. Reade, of Iowa, to be United States District Judge for the Northern District of Iowa, vice Michael J. Melloy, elevated.*

*Pages S 6091, D 685*

### Committee Meetings:

**Committee on Governmental Affairs:** *Committee held hearings to examine the relationship between a future Department of Homeland Security and the current federal, state, and local intelligence communities. Hearings continue tomorrow.*

**Committee on Governmental Affairs:** Committee concluded hearings on the nomination of **James E. Boasberg**, to be an *Associate Judge of the Superior Court of the District of Columbia*, after the nominee, who was introduced by Senator Warner, testified and answered questions in his own behalf.

Page D 686

**Committee on the Judiciary:** *Committee held hearings to examine the President's proposal for reorganizing our homeland defense infrastructure and establishing a Department of Homeland Security, receiving testimony from Tom Ridge, Director of the Transition Planning Office for the Department of Homeland Security. Hearings recessed subject to call.*

**Committee on the Judiciary: Subcommittee on Immigration** held hearings to examine immigration reform and the reorganization of homeland defense, focusing on the inclusion of the Immigration and Naturalization Service in the new Department of Homeland Security, and the impact this would have on immigration law and policy, and the adjudication of immigration services and benefits.

Page D 687

### Committee Meetings for Thursday, June 27, 2002:

---

**Committee on Appropriations:** @ 9:30 a.m. Subcommittee on Transportation, with the **Committee on Commerce, Science, and Transportation**, Subcommittee on Surface Transportation and Merchant Marine, to hold joint hearings *to examine cross border trucking issues.* SR-253.

**Committee on Governmental Affairs:** @ 1:00 p.m. To continue hearings *to examine the relationship between a Department of Homeland Security and the intelligence community.* SD-342.

Page D 692

**Committee on the Judiciary:** @ 10:00 a.m. *Business meeting to consider H.R. 3375, to provide compensation for the United States citizens who were victims of the bombings of United States embassies in East Africa on August 7, 1998, on the same basis as compensation is provided to victims of the terrorist-related aircraft crashes on September 11, 2001; S. 2134, to allow American victims of state sponsored terrorism to receive compensation from blocked assets of those states; S. 486, to reduce the risk that innocent persons may be executed; S. 2633, to prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance; S. 862, to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2002 through 2006 to carry out the State Criminal Alien Assistance Program; S. 2395, to prevent and punish counterfeiting and copyright piracy; S. 2513, to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence; S. Res. 284, expressing support for "National Night Out" and requesting that the President make neighborhood crime prevention, community policing, and reduction of school crime important priorities of the Administration; and the nominations of Lavenski R. Smith, of Arkansas, to be United States Circuit Judge for the Eighth Circuit, and the nomination of John M. Rogers, of Kentucky, to be United States Circuit Judge for the Sixth Circuit, 10 a.m., SD-226.*

Pages D 692-93

**Committee Meetings for Thursday, June 27, 2002 (Cont.):**

**Committee on the Judiciary: @ 2:00 p.m. Full Committee, to hold hearings on the nominations of Dennis W. Shedd, of South Carolina, to be United States Circuit Judge for the Fourth Circuit; Terrence F. McVerry, to be United States District Judge for the Western District of Pennsylvania; and Arthur J. Schwab, to be United States District Judge for the Western District of Pennsylvania. SD-226.**

*Page D 693*

**Remarks:**

Ninth Circuit Court of Appeals Ruling.

Smith

*Page S 6084*

The Pledge.

Nelson

*Pages S 6089-90*

**HOUSE**

**Bills Introduced:**

**H.R. 5018.** A bill *to direct the Capitol Police Board to take steps to promote the retention of current officers and members of the Capitol Police and the recruitment of new officers and members of the Capitol Police*, and for other purposes; to the Committee on House Administration. ***Considered and passed.***

Ney

*Page H 4068*

**H.R. 5025.** A bill *to enhance the criminal penalties for illegal trafficking of archaeological resources*, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Pallone

*Page H 4068*

**H.J. Res. 102.** A joint resolution *proposing an amendment to the Constitution of the United States to guarantee the right to recite the Pledge of Allegiance to the Flag; to the Committee on the Judiciary.*

Pickering

*Page H 4068*

**H. Con. Res. 428.** Concurrent resolution *expressing the sense of the Congress that recitation of the Pledge of Allegiance in schools is constitutional under the First Amendment to the Constitution, and urging the Supreme Court to uphold the constitutionality of such practices; to the Committee on the Judiciary.*

Hilleary

*Page H 4068-69*

**H. Con. Res. 430.** Concurrent resolution *expressing the sense of Congress with respect to the Pledge of Allegiance; to the Committee on the Judiciary.*

Riley

*Page H 4069*

### **Bills Introduced (Cont.):**

**H. Con. Res. 431.** *Concurrent resolution condemning the use of torture and other forms of cruel, inhumane, or degrading treatment or punishment in the United States and other countries, and expressing support for victims of those practices; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.*

Smith

*Page H 4069*

**H. Res. 459.** *A resolution expressing the sense of the House of Representatives that *Newdow v. U.S. Congress* was erroneously decided, and for other purposes; to the Committee on the Judiciary.*

Sensenbrenner

*Page H 4069*

**H. Res. 466.** *A resolution expressing the sense of the House of Representatives that reciting the Pledge of Allegiance in schools is constitutional, that the Congress deplores the decision of the 9th Circuit Court of Appeals and that the House of Representatives encourages every American to start their day by reciting the Pledge; to the Committee on the Judiciary.*

Israel

*Page H 4069*

### **Reports Filed:**

**Reports were filed as follows:**

**H. Res. 461**, providing for consideration of **H.R. 5010**, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003 (**H. Rept. 107-536**);

**H. Res. 463**, providing for consideration of motions to suspend the rules (**H. Rept. 107-538**);

*Page D 687*

### **H.R. 4598 - Homeland Security Information Sharing Act:**

*The House passed H.R. 4598, to provide for the sharing of homeland security information by Federal intelligence and law enforcement agencies with State and local entities by a ye-a-and-nay vote of 422 yeas to 2 nays, Roll No. 258.*

*Pages H 3936-48, D 688*

*"... What the PATRIOT Act did not do was address the need to share homeland security information with State and local officials. The process by which Federal agencies share information with State and local officials is complicated due to the classified and sensitive nature of much of the information and the need to provide the States and localities with this information in an expedient manner. This bill helps to address this perplexing issue. This important legislation was reported out of the Committee on the Judiciary on June 13, 2002, after an extensive markup. It requires the President to establish procedures for Federal agencies to determine the extent to which classified and unclassified, but sensitive, information may be shared with State and local officials on a need-to-know basis..." (Sensenbrenner, page H 3939)*

**Agreed to the Committee amendment in the nature of a substitute** now printed in the bill (**H. Rept. 107-534, Part 1**) and made in order by the rule.

*Pages H 3944-45, D 688*

**Withdrawn:**

**Jackson-Lee amendment was offered but subsequently withdrawn** that sought to require the President to prescribe procedures which determine whether, how, and to what extent information provided by whistleblowers should be disseminated.

*Pages H 3945-47, D 688*

**Agreed to H. Res. 458**, the rule that provided for consideration of the bill by voice vote.

*Pages H 3934-36, D 688*

**H. Res. 450 - Trade Act of 2002:**

*The House agreed to H. Res. 450*, the rule relating to consideration of the Senate amendment to **H.R. 3009**, to extend the *Andean Trade Preference Act* and to grant additional trade benefits under that Act, by a yea-and-nay vote of 216 yeas to 215 nays with 1 voting “present,” Roll No. 264.

*Pages H 3952-60, H 3961-64, D 688*

*Pursuant to the rule, the House agreed to the Senate amendment to H.R. 3009*, to extend the *Andean Trade Preference Act* and to grant additional trade benefits under that Act, with an amendment. The House then insisted on its amendment and asked for a conference with the Senate thereon. Appointed as conferees: From the Committee on Ways and Means for consideration of the House amendment and the Senate amendment, and modifications committed to conference: Chairman Thomas and Representatives Crane and Rangel.

*Pages H 4020, D 688*

**From the Committee on Government Reform for consideration of section 344 of the House amendment and section 1143 of the Senate amendment**, and modifications committed to conference: Chairman Burton of Indiana and Representatives Barr of Georgia and Waxman.

*Pages H 4020, D 688*

**From the Committee on the Judiciary for consideration of sections 111, 601, and 701 of the Senate amendment**, and modifications committed to conference: chairman Sensenbrenner and Representatives Coble and Conyers.

*Pages H 4020, D 688*

**From the Committee on Rules for consideration of sections 2103, 2105 and 2106 of the House amendment and sections 2103, 2105, and 2106 of the Senate amendment**, and modifications committed to conference: Chairman Dreier and Representatives Linder and Hastings of Florida.

*Pages H 4020, D 689*

**Suspensions:**

**The House agreed to suspend the rule and pass the following measure that was debated on June 25: H.R. 4477 - Sex Tourism Prohibition:** amended, to amend title 18, United States Code, with respect to crimes involving the transportation of persons and sex tourism (agreed to by a yea-and-nay vote of 418 yeas to 8 nays, Roll No. 259);

*Pages H 3949, D 689*

**H.R. 3295 - Motion to Instruct Conferees--Help America Vote Act:**

*Representative Langevin announced his intention to offer a motion to instruct conferees on the disagreeing votes of the two Houses on the Senate amendments to H.R. 3295, Help America Vote Act*, to recede from disagreement with the provisions contained in subparagraphs (A) and (B) of section 101(a)(3) of the Senate amendment to the House bill (relating to the accessibility of voting systems for individuals with disabilities).

*Pages H 4022, D 689*

**H.R. 5018 - Capitol Police Retention, Recruitment, and Authorization Act:**

*The House passed H.R. 5018*, to direct the Capitol Police Board to take steps to promote the retention of current officers and members of the Capitol Police and the recruitment of new officers and members of the Capitol Police, by unanimous consent.

*Pages H 4022-24, D 689*

### Executive Communications:

**EC - 7676.** A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule--*Cafeteria Plans (Rev. Rul. 2002-27)* received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

*Page H 4067*

**EC - 7682.** A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule--*Disclosure of Returns and Return Information by other Agencies [REG-105344-01]* (RIN: 1545-AY 77) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

*Page H 4067*

### Committee Meetings:

**Committee on the Judiciary:** *Held a hearing on "The Proposal to Create a Department of Homeland Security." Testimony was heard from Tom Ridge, Assistant to the President, Office of Homeland Security Adviser.*

**Committee on Resources:** Ordered reported the following measures: **H. Con. Res. 425**, calling for the full appropriation of the State and tribal shares of the Abandoned Mine Reclamation Fund and **H.R. 3534**, amended, *Cherokee, Choctaw, and Chickasaw Nations Claims Settlement Act*.

*Page D 691*

**Committee on Transportation and Infrastructure:** Ordered reported the following bill: **H.R. 4635**, amended, *Arming Pilots Against Terrorism Act*.

*Page D 692*

### Committee Meetings for Thursday, June 27, 2002:

**Committee on the Judiciary:** @10:00 a.m. Oversight hearing on *"The Revisions to the Attorney General's Investigative Guidelines."* 2141 Rayburn.

**Committee on the Judiciary:** @ 2:00 p.m. Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on *"Unpublished Judicial Opinions."* 2141 Rayburn.

**Committee on the Judiciary:** @ 3:00 p.m. Subcommittee on Immigration, Border Security, and Claims, hearing on **H.R. 5005, Homeland Security Act of 2002.** 2237 Rayburn.

*Page D 693*

### Remarks:

Cost of Government Day.

Gibbons

*Page H 3932*

Partial-Birth Abortion Ban.

Ryun

*Page H 3932*

Partial-Birth Abortion

Pitts

*Pages H 3932-33*

**Remarks (Cont.):**

**Notifying Members to Contact Committee on the Judiciary to Cosponsor Resolution Regarding the Pledge of Allegiance.**

*"...This ruling is ridiculous, and I have introduced a resolution today with the gentleman from Mississippi (Mr. Pickering) that specifically states that the phrase 'one Nation, under God' should remain in the Pledge of Allegiance, and that the **Ninth Circuit Court of Appeals** should agree to rehear this ruling en banc to reverse this constitutionally infirm and historically inaccurate ruling..."*

Sensenbrenner

*Page H 4024*

Reaction to U.S. 9<sup>th</sup> District Court Decision Concerning the Pledge of Allegiance.<sup>1</sup>

Miller

*Page H 4030*

Ninth Circuit Rules Pledge of Allegiance Unconstitutional.

Cox

*Pages H 4045-51*

**Next SENATE MEETING: Thursday, 9:30 a.m., June 27, 2002.**

**Next HOUSE MEETING: Thursday, 10:00 a.m., June 27, 2002.**

**OLA: S. Schwarz, A. Santos**

---

<sup>1</sup> Exact quotation from Congressional Record, printed by Government Printing Office (GPO).